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IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 December 1994]

Human rights abuses against Roma (Gypsies) in Eastern Europe

Statement of the problem

1. In recent years, Europe has experienced a frightening rise of anti-foreigner sentiment, racism and general hostility towards those who are different. Prejudice against the Roma minority is perhaps the most pervasive form of xenophobia in Europe. Shortly after the collapse of the communist regimes in Eastern Europe, violent attacks against Roma communities began in many European countries.

2. Private acts of xenophobic violence are deeply troubling. But of perhaps graver concern is the role often played by Governments. Police harassment and brutality against Roma are commonplace throughout Europe. In addition, there have been numerous reports in both Eastern and Western Europe of police officials who participated in attacks on other minorities or foreigners, of police who failed to protect foreigners under attack, and of State officials who took no steps to investigate and punish private citizens or public officials found to have committed abuses against these unpopular groups. Equally distressing, government representatives often fail to disassociate themselves from racist and xenophobic organizations.

3. Roma tend to be the most marginalized and impoverished minority in many European countries, and opinion polls in both Eastern and Western Europe indicate that Roma are uniformly the most hated of all minorities. It is therefore imperative for international organizations to play a more active role to ensure that the necessary steps are taken by Governments to protect Roma from mob and police violence. There is no better measure of Europe's tolerance toward those who are different than its treatment of Roma.

International law regarding discrimination against minorities

4. The International Covenant on Civil and Political Rights (ICCPR) states that "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law". The United Nations International Convention on the Elimination of All Forms of Racial Discrimination creates specific obligations for States to protect minorities from violence.

Human Rights Watch-Helsinki's experience and findings

5. HRW/Helsinki has investigated and documented human rights abuses against the Roma minority in countries throughout Eastern Europe. Most recently we have prepared an update on police violence against Roma in Bulgaria and on the problem of impunity for those who have committed acts of violence against the Roma community in Romania. Although this statement relies primarily on recent information from Bulgaria and Romania, we have documented similar abuses against Roma in numerous other countries in Europe.

6. Bulgaria. Violence against Roma in Bulgaria is often committed by police officers and private security guards. For example, on 4 August 1994, the police carried out a large-scale raid in the Roma neighbourhood of the town of Pazardzhik. As in a similar raid in the same neighbourhood in 1992, the police brutalized innocent victims and intentionally damaged the property of Roma. Lyubcho Terziev, a Roma who was arrested during the raid, died while in detention. According to the official death certificate, his death was the result of "cardiovascular insufficiency." However, persons who saw Terziev's body reported that there was evidence he had been beaten on the head and that there were burn marks on his genitals.

7. There are also a growing number of cases of mob violence against Roma in Bulgaria. In December 1993, the Roma neighbourhood of Pobeda in Burgas was attacked on several occasions. In each of the attacks, the perpetrators wore helmets and threw Molotov cocktails. On 10 January 1994, six Roma houses in

the same neighbourhood were set on fire. During that attack, a Roma teenager was also severely beaten and a four-year-old child was badly burned.

8. There is substantial evidence that Bulgarian police and prosecutors often fail to investigate acts of violence promptly and thoroughly when the victim is Roma. Prosecutors have frequently decided that there was not enough evidence to open a formal investigation in cases where Bulgarian and international human rights organizations had documented substantial evidence of police brutality and misconduct. Frequently, the testimony of Roma victims was not even taken or, if taken, was disregarded.

9. Romania. Mob violence against Roma and their inability to obtain adequate redress for such violence continue to be serious human rights concerns in Romania. HRW/Helsinki has received frequent reports of attacks by villagers on their Roma neighbours. For example, despite the arrest of two Roma teenagers who had murdered an ethnic Romanian shepherd on 26 May during a robbery in the village of Racsa in Satu Mare country, an estimated 800 to 1,000 villagers in Racsa went to the Roma quarters on 28 May, destroyed all nine houses and then set them on fire. Although three police officers arrived in the village before the last houses were torched, they did not stop the villagers.

10. In contrast to most cases, the Racsa authorities conducted a thorough investigation of the events, resulting in charges against 38 people for a number of crimes, including destruction, theft, and illegal entry into a residence. However, although all nine houses were burned down, no one was charged with the more serious crime of arson, which requires the authorities to prosecute the case even if there are no complaints from the victims. Romanian authorities have often refused to bring arson charges even when warranted by the facts, intentionally leaving open the possibility that the victims can be pressured to settle or that with enough delay they will lose interest in seeking a legal remedy for their suffering.

11. The speedy investigations and indictments in the Racsa case were exceptions to the general practices of the police and prosecutorial bodies, which ignore, delay and downplay cases of violence against Roma. Despite pressure from the international community and some assurances from the Romanian Government, very few individuals have been prosecuted for the numerous violent crimes against Roma since 1990.

12. Foot-dragging in such cases has often been blatant. For example, after 170 Roma were forced to flee a violent attack and arson in the town of Hadareni, local prosecutors reported in November 1993 that the criminal investigation had produced sufficient evidence to warrant the arrest and indictment of at least 12 individuals. The investigation was apparently ongoing with regard to others who may have also committed crimes. In May 1994, local prosecutors reiterated that the investigation was near completion and that there was ample evidence to bring charges against 15 to 17 individuals. Despite this evidence, no arrests have been made.

13. Western Europe. Incidents of racist violence against the Roma also occur in Western Europe, albeit with less frequency. For example, in 1991, in the Spanish town of Mancha Real, angry mobs sought to avenge the killing of a man

by a local Roma gang by storming the Roma neighbourhood, burning six of their houses, forcing them out of the town, and then demonstrating to keep four Roma children out of the local school. This was not an isolated incident, the presence of seven Roma children at a school in the Catalonian town of Lerida having led to a similar boycott by parents. There are also many other reports throughout Western Europe of anti-Roma violence and discrimination.

Recommendations

14. Human Rights Watch urges the United Nations Commission on Human Rights to adopt a strong programme for combating anti-Roma violence and discrimination. It also urges the Commission to require that Governments include in their periodic reports to the treaty bodies specific information on the:

(a) Steps taken to train and to require police to anticipate and prevent racially motivated violence and to respond to the violence when it cannot be avoided;

(b) Steps taken to improve police and prosecutorial methods for investigating and prosecuting cases of racially motivated violence;

(c) Steps taken to make clear that the staff of the prosecutor general and the national police is to respond with thoroughness and promptness to all cases involving violent attacks against monitories and that disciplinary measures and/or criminal sanctions will be taken against any prosecutor or police officer who is proven to have enforced the law in a discriminatory manner.

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